

ARTICLE TWENTY-FOUR ADMINISTRATION

SECTION 2400 ZONING ADMINISTRATOR

- A. The City Manager shall designate an individual to serve as the Zoning Administrator to administer and enforce this Ordinance. The Zoning Administrator may delegate duties to such other persons as the City Manager may assign to assist.
- B. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature or the violation and ordering the action necessary for correction. He/she shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal addition, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance or general law to ensure compliance with or to prevent violation of the provisions of this ordinance.

SECTION 2401 DUTIES AND LIMITATIONS OF THE ZONING ADMINSTRATOR

- A. The Zoning Administrator shall have the authority to grant Land Use Permits and to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
- B. It shall be unlawful for the Zoning Administrator to approve any plans or issue a Land Use Permit for any excavation or construction or use until such plans have been reviewed in detail and are found to be in compliance with this Ordinance. To this end, the Zoning Administrator shall require that an application for a Land Use Permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall, where required by this Ordinance, be accompanied by a site plan, in accordance with [Article 22](#) hereof.
- C. If the proposed excavation, construction, moving or alteration, or use of land as set forth in the application, and site plan, when required, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Land Use Permit. If an application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.
- D. The Zoning Administrator may, but shall not be required to, accept a preliminary application and an incomplete submittal where a basic clarification is desired prior to proceeding with further technical work; and the Zoning Administrator may on such preliminary submittal take the formal action of tentative denial or tentative approval. Provided, that the applicant shall be advised, in writing, that such tentative denial or approval may be overturned by the Planning Commission.

- E. Issuance of a Land Use Permit shall in no case be construed as waiving any provisions of this Ordinance. The Zoning Administrator is under no circumstances permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures, or land. The Zoning Administrator is under no circumstance permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties.
- F. The Zoning Administrator shall not refuse to issue a Land Use Permit when the applicant has complied with all applicable conditions required by this Ordinance. Violations of contracts such as covenants or private agreements which may result upon the granting of said permit are not cause for refusal to issue a permit.

SECTION 2402 LAND USE PERMIT

- A. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including an accessory building, or to commence the moving, or structural alteration, including an accessory building, costing more than one-hundred dollars (\$100.00) or exceeding one-hundred (100) square feet in floor area, until the Zoning Administrator has issued for such work a Land Use Permit including a certification of his opinion that plans, specifications, and intended use of such structure do in all respects conform to the provisions of this Ordinance.
- B. It shall be unlawful to alter the contour of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the Zoning Administrator has issued for such intended use a Land Use Permit.
- C. In all cases where a building permit is required, application for a Land Use Permit shall be made coincidentally with the application for a building permit and in all other cases shall be made not less than ten (10) days prior to the time when a new or enlarged use of a building or premises or part thereof is intended to begin. This application shall be made in writing to the Zoning Administrator and shall provide all relevant project information. A record of all such applications shall be kept on file by the Zoning Administrator.
- D. Any Land Use Permit issued under the provisions of this Ordinance shall be valid only for a period of one (1) year following the date of issuance thereof. Any project which has not commenced within the one (1) year period will require the re-issuance of extension of the Land Use Permit.
- E. When the Zoning Administrator receives an application for a Land Use Permit, which requires a special land use approval, variance, or other approval, he shall so inform the applicant.

- F. Before any Land Use Permit shall be issued, an application and inspection fee and any required escrow fees shall be paid. The amount of such fees and escrows shall be fixed by a schedule established by resolution of the City Council.
- G. No building or structure or use for which a Land Use Permit has been issued shall be used or occupied until after a final inspection has been performed which indicates that all the provisions of this Ordinance are met with and a Certificate of Occupancy has been issued by the Building Official. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

SECTION 2403 REAPPLICATION

No application for a special land use, Site Plan Review, Planned Unit Development, or variance which has been denied, in whole or in part, by either the Planning Commission or the Zoning Board of Appeals may be resubmitted for a period of twelve (12) months from the date of the denial, except on the grounds of newly discovered evidence.

SECTION 2404 REHEARING

- A. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - 1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 - 2. There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact which occurred after the public hearing.
 - 3. The City Attorney by written opinion states that in the Attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- B. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion, pursuant to the following procedure:
 - 1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 - 2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 - 3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be

considered. The notice may be served upon the applicant by first class mail at the applicant's last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

- C. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.